UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

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ORIGINAL: ENGLISH

MEETING OF THE STATES PARTIES TO THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Fifteenth meeting

SUMMARY RECORD OF THE FIRST PART* OF THE 23rd MEETING

Held at Headquarters, New York,
on Wednesday, 12 January 1994, at 10 a.m.

Temporary Chairman: Mr. FLEISCHHAUER
(Legal Counsel)

Opening of the Meeting by the representative of the Secretary-General

Election of the Chairman

* The summary record of the second part of the meeting, to be reconvened on Wednesday, 12 January 1994, appears as document CERD/SP/SR.23/Add.1.

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The meeting was called to order at 10.30 a.m.

OPENING OF THE MEETING BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

The TEMPORARY CHAIRMAN, speaking on behalf of the Secretary-General, declared open the Fifteenth Meeting of the States Parties.

He noted that there were graphic daily reminders that racism and racial discrimination continued to represent major obstacles to peace and respect for human rights. The International Convention on the Elimination of All Forms of Racial Discrimination, however, was an important tool in efforts to overcome such obstacles. He noted with satisfaction that, with the accession to the Convention of several new States during the past two years, the number of States parties stood at 137.

At its sessions in 1992 and 1993, the Committee on the Elimination of Racial Discrimination had considered the reports of 29 States parties. In an effort to re-establish dialogue with States whose reports were long overdue, it had continued its practice of re-examining the most recent report of several such States and making comments on developments relating to their obligations under the Convention, which had prompted a number of States parties to submit reports. The Committee had also adopted seven general recommendations to guide States in reporting on their application of the Convention.

During 1993, the Committee had taken initiatives aimed at resolving problems involving minority issues in the former Yugoslavia, including a good offices mission to the Federal Republic of Yugoslavia (Serbia and Montenegro) to address the human rights situation in Kosovo and a technical assistance mission to Croatia.

In its resolution 47/111, the General Assembly had endorsed the amendments to the Convention providing for financing of the activities of the Committee under the regular budget of the United Nations and had requested the Secretary-General to take appropriate measures to implement that arrangement beginning with the biennium 1994-1995. Accordingly, the Secretary-General had taken the necessary measures to ensure that the Committee could meet as scheduled during the current biennium.

Mr. EXARCHOS (Greece), speaking on behalf of the European Union, said that the latter had repeatedly stated its position on the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in United Nations bodies, and that its position on the matter had not changed.

Mr. TURK (Slovenia), reiterating the position of his delegation on participation by the Federal Republic of Yugoslavia (Serbia and Montenegro), said that it considered all successor States to the former Yugoslavia to be equal. The question of their membership in the United Nations should be resolved by the Security Council and the General Assembly. Participation by the Federal Republic of Yugoslavia could in no way prejudge the result of the discussions on termination of its membership.

Ms. LAHNALAMPI (Finland), speaking on behalf of the Nordic countries, said that they had previously stated their position on the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro), and that their position had not changed.

Mr. SHARP (Australia) said that his delegation had supported General Assembly resolution 47/1, which maintained that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia and should apply for membership in its own right. Accordingly, the presence of representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) was without prejudice to the final decision on that matter.

Mr. RATA (New Zealand) said that the participation of the delegation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in no way affected the position of his Government regarding its participation in the General Assembly and other bodies.

Mr. FARHADI (Afghanistan) requested clarification whether the delegation of the Federal Republic of Yugoslavia (Serbia and Montenegro) could be present, because Yugoslavia as such no longer existed, and Serbia, which had taken on the designation "Federal Republic of Yugoslavia", had a very poor record in matters relating to racial and ethnic discrimination.

Mr. SACIRBEY (Bosnia and Herzegovina) fully supported the statements of the delegations of Slovenia, Finland, Australia, New Zealand and Afghanistan. The presence of the delegation from the Federal Republic of Yugoslavia (Serbia and Montenegro) should be reviewed before any action was taken.

Mr. TROTTIER (Canada) said that the position of his delegation on the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) remained unchanged.

Mr. KHAN (Pakistan) said that his delegation shared the view that the Federal Republic of Yugoslavia (Serbia and Montenegro) was not automatically entitled to the seat of the former Yugoslavia in the Meeting of the States Parties. He requested a legal ruling in that regard. In his view, the continued presence of the delegation of the Federal Republic of Yugoslavia (Serbia and Montenegro) was improper.

Mr. DJORDJEVIĆ (Yugoslavia) expressed surprise that his country's right to participate in the Meeting of the States Parties had been challenged. Yugoslavia had signed the Convention, and thus was fully authorized to participate. General Assembly resolution 47/1 had referred to its non-participation in the work of the General Assembly. In the opinion of the Legal Counsel, that resolution did not take away its right to participate in the work of other bodies.

The Meeting of the States Parties was not the appropriate forum in which to discuss the status of his country's membership in the United Nations.

Mr. KHAN (Pakistan), speaking on a point of order, asked in what capacity the previous speaker had been given the floor.

The TEMPORARY CHAIRMAN said that he had spoken as the representative of a State member of a treaty body established under the Convention on the Elimination of Racial Discrimination, which was not a subsidiary body of the General Assembly or the Economic and Social Council. He was unaware of any decision that would deprive the Federal Republic of Yugoslavia (Serbia and Montenegro) of membership in a treaty body.

Mr. FARHADI (Afghanistan) said that new members were to be elected to the Committee on the Elimination of Racial Discrimination, which reported to the General Assembly, where the delegation of the Federal Republic of Yugoslavia (Serbia and Montenegro) could not participate. Therefore, the legality of any decisions taken at the current Meeting of the States Parties would be affected.

Mr. BENJELLOUN-TOUIMI (Morocco) said that, although he could not argue against the legal opinion, the situation was politically untenable. It was shocking that Serbia would participate in such a meeting, in view of its record in the area of racial and ethnic discrimination; its delegation should withdraw.

Mr. ELDEEB (Egypt) said that it supported the statements of the delegations of Pakistan, Afghanistan and Morocco and shared the reservations expressed about the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the current Meeting. His delegation had already expressed its view on the matter. The participation of a delegation representing that country in the Meeting did not prejudge the deliberations on its membership in the United Nations.

Mr. SAHRAOUI (Algeria) found it ironic that a representative had spoken for Yugoslavia, while representatives of the former components of Yugoslavia were also participating in the Meeting.

Mr. FARHADI (Afghanistan) noted that the political sentiment on the matter was very clear. From a legal standpoint as well, any decision taken at the current Meeting concerning the election of members of the Committee on the Elimination of Racial Discrimination would be rendered invalid by the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro).

ELECTION OF THE CHAIRMAN

Mr. ANDREASSEN (Norway) nominated Mr. Khandogy (Ukraine) for the office of Chairman of the Meeting.

Mr. KHAN (Pakistan) said that his delegation was strongly opposed to the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the Meeting; therefore, it requested a suspension for consultations.

The TEMPORARY CHAIRMAN inquired whether the representative of Pakistan would agree to hold the election of the Chairman, then suspend the meeting.

Mr. KHAN (Pakistan) said that his delegation would not agree to have the Federal Republic of Yugoslavia (Serbia and Montenegro) take part in the election.

The TEMPORARY CHAIRMAN said that, under rule 118 of the rules of procedure of the General Assembly, he would move to suspend the meeting.

The meeting was suspended at 11.05 a.m. and resumed at 12.30 p.m.

The TEMPORARY CHAIRMAN said that a possible solution had been found, but that further consultations were needed.

The meeting was suspended at 12.35 p.m.